



Natural Resources Conservation Service  
655 Parfet Street  
Lakewood, CO 80215

---

**VIA ELECTRONIC MAIL**

**COLORADO BULLETIN NO.: ECS-190-07-01**

**Date:** October 24, 2006

**SUBJECT: Spring Developments and Section 404 of the Clean Water Act**

**TO: All NRCS Employees**

**PURPOSE: Information being issued as a reminder to all Natural Resources Conservation Service (NRCS) employees who work on spring developments**

**EXPIRATION DATE: September 30, 2007**

Section 404 of the Clean Water Act requires a permit for certain activities in Waters of the United States. There are three types of permits the Corps of Engineers (COE) commonly issues depending on the situation. These are Individual Permits (IP), Regional General Permits (RGP), and Nationwide Permits (NP). When NRCS is working with a landowner on an activity that may impact a water of the United States, NRCS must inform the landowner of the need to contact the COE. It is the landowner's obligation to secure the permit; however, NRCS must be certain either a permit or exemption was granted for the activity before proceeding with the activity. See <https://www.nwo.usace.army.mil/html/od-tl/introductionto404.html> for general information about 404 Permits.

Recently, the COE and Environmental Protection Agency (EPA) have reminded NRCS that, in Colorado, spring developments within 100 feet of the water source are not covered under a NP. See <https://www.nwo.usace.army.mil/html/od-tl/nwp-rc-may2002.doc> for more detailed information. This means the landowner will need to contact the COE and likely will need an IP before proceeding with any project that will capture some or all of the water in the spring. In this case, a spring is defined as any location where ground water emanates from a point in the ground. Seeps or other discharges which do not have a defined outlet channel are not included under this decision.

Additionally, projects that will have an effect on a Water of the United States require COE notification and a permit as determined by the COE.

For additional information on Waters of the United States and NPs, go to the following links. <https://www.nwo.usace.army.mil/html/od-tl/introductionto404.html> or <http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/nwp.html>

*Helping People Help the Land*

An Equal Opportunity Provider and Employer



If you have questions regarding this bulletin please contact Terri Skadeland at 720-544-2813 or email at [terri.skadeland@co.usda.gov](mailto:terri.skadeland@co.usda.gov).

/s/

ALLEN GREEN  
State Conservationist

DIST: E